Memorandum

Date:    April 17, 2009

To:       Members of the Economic Development Committee:
          Ron Natinsky (Chair), Tennell Atkins (Vice Chair), Dwaine Caraway, Jerry R.
          Allen, Sheffie Kadane, Linda Koop, Mitchell Rasansky, Steve Salazar

Subject:  Streetscape Licenses

          On Monday, April 20, you will be briefed on recommendations regarding licenses
          issued for use of public rights-of-way. A copy of the briefing is attached for your
          review. This is a follow-up to a briefing given on March 24.

          If you need further information, please call Theresa O’Donnell at 214-670-4127.

          A.C. Gonzalez
          Assistant City Manager

          c: The Honorable Mayor and Members of the City Council
             Mary K. Suhm, City Manager
             Deborah A. Watkins, City Secretary
             Thomas P. Perkins, Jr., City Attorney
             Craig D. Kinton, City Auditor
             Judge C. Victor Lander, Judiciary
             Ryan S. Evans, First Assistant City Manager
             Forest Turner, Interim Assistant City Manager
             Jill A. Jordan, P.E., Assistant City Manager
             Ramon F. Miguez, P.E., Assistant City Manager
             Dave O. Cook, Chief Financial Officer
             Theresa O’Donnell, Director of Development Services
             Jeanne Chipperfield, Director, Office of Budget Services
             Helena Stevens-Thompson, Assistant to the City Manager
             Karl Zavitkovsky, Director of Economic Development
             Hammond Perot, Assistant Director of Economic Development

“Dallas, The City That Works: Diverse, Vibrant and Progressive”
Purpose

Briefed Committee March 24, 2009

- Vibrant, active streets are desirable
- Currently implemented in a variety of ways (Licenses, PD, MOWmentum Program)
- Method, Fees are inconsistent

Committee requested follow-up to provide:

- Specifics on hardship requests for fees
- Recommendations on standard approach
Place-making focuses on the grey area between public, private realms.

- Mixed use building pulled up to the street
- On-street parking
- Planting area
- Pedestrian-scaled lighting
- Wide sidewalk
- Outdoor dining
- Street trees
- Active storefronts
- Wall sign

Urban Advantage

Place-making focuses on the grey area between public, private realms.
Issues

- With economic slowdown, recently received requests for relief from license fees
  - Belmont Henderson Improvements
  - Forest Court Wall
  - El Tivoli Subdivision Sign, Landscaping
  - Swiss Avenue Gateway
Hardship Requests

- Belmont Henderson Improvements
  - Council granted license in November 2008 for use of right-of-way for off-street parking and landscaping
  - Improvements were made
  - Economic environment changed
  - Requested relief from payment of 2009 license fee (January 2009)
Belmont Henderson
Hardship Requests

- Forest Court Wall
  - License issued in November 1988 for brick fence in right-of-way
  - Initially $990 annually, since increased to $2,040 annually
  - Owner has paid $21,814 over past 21 years
  - Owner no longer wants to pay
  - Removal of fence not desirable
Forest Court
Hardship Requests

- El Tivoli Neighborhood Sign, Landscaping
  - Application falls within one-time $1,000 fee
  - Neighborhood cannot afford license fee
  - Private funding provided for license fee
Other Request

- Swiss Avenue Gateway
  - First issued license in June 1984 with annual license fee of $350
  - Desire one-time fee rather than annual
  - License lapsed in 2004
  - Reinstating license for 40 years with one-time $1,000 fee
Swiss Avenue
Committee Direction

- Separate residentially based projects from commercial or for-profit business projects
- Standardize process and fees to minimize fees and paperwork for HOAs and other neighborhood-based groups
- Ensure city public safety, utility and liability concerns are addressed
Recommendations

- Residential Communities
  - Continue pilot program that reduces fees for:
    - Subdivision signs - $1,000 per sign
    - Landscaping and appurtenant irrigation systems - $1,000
    - Landscaping can include plantings and architectural elements that help define the space but do not prevent public access
    - Clarification on “project cost” vs. “per element cost”
  - Require permanent license, indemnification and insurance on structures and architectural elements
Recommendations

- Residential Communities, cont.
  - Bring existing licenses that were granted prior to the pilot program under new policy that allows one-time fee
  - Consider fees paid to date to be adequate compensation
  - If license has lapsed, collect one-time fee to reinstate license, rather than accrued fees or penalties
Recommendations

☐ Commercial/Business Communities
  ▪ Amend Code to provide a one-time cost-recovery fee of $5,400 for processing and review of enhancement items in ROW:
    ☐ Street trees, shrubbery, planter boxes, pots
    ☐ Awnings with no advertising
    ☐ Streetscape and architectural elements
    ☐ Off-street parking
Recommendations

- Commercial/Business, cont.
  - Continue standard fee assessment for items in the ROW that generate revenue:
    - Sidewalk cafes
    - Advertising on signs or awnings
    - Telecommunication cables
    - Sky bridges
  - Formula based on square footage x market value x percent
Recommendations

- Commercial/Business, cont.
  - Require permanent license, indemnification and insurance on structures and architectural elements
  - Consider assessing a standard $5,400 fee for using public right-of-way allowed under future PD-Zoning Ordinance for landscaping, awnings and signs, and/or sidewalk cafes
Possible Alternative

- Commercial/Business cont.
  - If economic hardship prevents payment of license fees once improvements installed, consider several options:
    - Grant moratorium on license fees for up to two years if business can demonstrate economic hardship
    - Require dedication of improvements to City and a performance bond to pay for upkeep
    - Require removal and reinstatement of ROW to previous condition, guarantee with performance bond